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Byong Mok Oh

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EXAMINER

MURDOCH, CRYSTAL A

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,500	<b>Applicant(s)</b> OH, BYONG MOK	
	<b>Examiner</b> Crystal Murdoch	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,13-28 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,13-28 and 32-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **I. Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 November 2008 has been entered.

### **II. Response to Arguments**

Applicants' response to the last Office Action, mailed 30 July 2008 has been entered and made of record.

Claims 1-3, 5-11, 13-28, and 32-41 are pending in the application.

Applicant's amendments to independent claims 1, 11, 22, 32, 36, and 38 require new grounds of rejection. New grounds of rejection are provided in the Office Action below.

Applicant's arguments with respect to claims 1, 11, 22, 32, 36, and 38 have been considered but are moot in view of the new grounds of rejection.

Art Unit: 2628

### III. **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

A. Claims 1-3, 5-11, and 13-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-3, 5-11, and 13-28 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent<sup>1</sup> and recent Federal Circuit decisions<sup>2</sup> indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claims 1, 11, and 22 recite a series of steps or acts to be performed, the claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example, though the preambles of independent claims 1, 11, and 22 recite a “computerized” method, the steps of these claims do not explicitly or inherently require any system element in order

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<sup>1</sup> *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

<sup>2</sup> *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

to be implemented. At least one method step of each independent claim must require some computer element performing the step to make these claims statutory.

#### **IV. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 22-28, 32-35, 38, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szeliski et al. (US Patent Number 6,157,747, herein referred to as Szeliski) in view of Seago (US Patent Number 5,990,900).

Regarding independent claim 22, Szeliski teaches a computerized method for projecting texture information onto an object within an image panorama (See Szeliski; Fig. 2B, Item 270; Col. 27, Lns. 62-66), the method comprising:

- Receiving instructions from a user identifying a three-dimensional geometric surface within an image panorama (See Szeliski: Col. 27-28, Lns. 62-2, respectively, wherein, “The shape of the model and the embedding of each face into texture space are left up to the user. This choice can range from something as simple as a cube with six

Art Unit: 2628

separate texture maps, to something as complicated as a subdivided dodecahedron, or even a latitude-longitude tessellated globe.”,

- The image panorama containing an object having one or more textures (See Szeliski: Col. 5, Lns. 27-35),
- The object occupying a field of view of more than 180 degrees in the panorama (See Szeliski: Col. 5, Lns. 7-9, “By taking as many images as needed, image mosaics can be constructed which cover as large a field of view as desired, e.g., a complete environment map.”);
- Determining a directional vector from the three-dimensional geometric surface (See Szeliski: Fig. 15; Col. 22, Lns. 4-31);
- Creating a geometric model of the image panorama based at least in part on the three-dimensional geometric surface and the directional vector (See Szeliski: Col. 7, Lns. 29-33, “By mapping the mosaic onto an arbitrary texture-mapped polyhedron surrounding the origin, the virtual environment is viewed using standard 3D graphics viewers and hardware (block 160) without requiring special purpose players.” In Col. 22, Lns. 4-31, Szeliski teaches the direction vectors, which are used to align the images of the panoramic image. Thus, the geometric model of the visual scene is dependent on the geometric shapes of the surfaces of the polyhedron to be texture mapped, and the texture map

Art Unit: 2628

applied to the surfaces of the polyhedron, which is the panoramic mosaic determined using the direction vectors.); and

- Applying the one or more textures to the object in the image panorama based on the geometric model (See Szeliski: Fig. 2B, Item 270; Col. 28, Lns. 13-15, wherein Szeliski teaches, "...efficiently computing texture map color values for any geometry and choice of texture map coordinates.").

Szeliski does not expressly suggest:

- Creating a geometric model includes identifying at least one boundary of the object and
- Using the identified boundary to associate geometry information with the object,
  - The geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system.

Seago is cited for teaching, "Line creation can be performed automatically by image analysis software, which determines edges of objects and creates lines overlapping the determined edges (See Seago: Col. 4, Line 65 - Col. 5, Line 1, respectively)," which correspond to identifying at least one boundary of the object. Seago also teaches, "Next, at blocks 50, shapes or polygons that define the selected object's sides, and plane

indexes are determined based on user designated vertices or vanishing lines at significant features of the selected object (See Seago: Fig. 2, Item 50; Col. 5, Lns. 35-38),” which corresponds to using the boundary to associate geometry information with the object. Finally, Seago is cited for teaching, “Once all the polygons and plane indexes of a selected object have been determined, a three-dimensional object oriented within the selected object's three-dimensional coordinate space is determined (See Seago: Fig. 2, Item 54; Col. 5, Lns. 50-55),” which corresponds to the 3D coordinates describing the position and orientation of the object boundary in the reference coordinate system.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the three-dimensional object editing abilities of Seago, to modify the three-dimensional environment map, as taught by Szeliski, because Seago is in the same field of endeavor of generating three-dimensional computer graphics using image capture devices; and Seago expressly suggests that this method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (See Seago: Col. 11, Lns. 49-55).



Art Unit: 2628

Regarding independent claim 32, the Szeliski teaches a system for creating a three dimensional model from a plurality of image panoramas, the system comprising:

- Means for receiving the image panoramas representing a visual scene (See Szeliski: Col. 27, Lns. 34-37, “Once a complete panoramic mosaic has been constructed, it is necessary to convert the set of input images and associated transforms into one or more images which can be quickly rendered or viewed.”) having an object (See Szeliski: Fig. 6, Item 610; Col. 11, Lns. 16-21);
  - The object occupying a field of view of more than 180 degrees in the panoramas (See Szeliski: Col. 5, Lns. 7-9, “By taking as many images as needed, image mosaics can be constructed which cover as large a field of view as desired, e.g., a complete environment map.”),
- Means for allowing a user to interact with the system to determine a directional vector for each image panorama (See Szeliski: Col. 25, Lns. 64-66);
- Means for aligning the image panoramas relative to each other (See Szeliski: Fig. 17; Col. 23, Lns. 10-12, wherein minimizing the differences between ray directions aligns the images.).

Szeliski does not expressly suggest:

Art Unit: 2628

- Means for creating a three dimensional model from the aligned panoramas, wherein:
  - Creating a three dimensional model includes identifying at least one boundary of the object and
  - Using the identified boundary to associate geometry information with the object includes associating geometry information with the object,
    - The geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system.

Seago is cited for teaching:

- Means for creating a three dimensional model from the aligned panoramas (See Seago: Fig. 2; Col. 4, Lns. 23-25, “FIG. 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image.”), wherein:
  - Creating a three dimensional model includes identifying at least one boundary of the object (See Seago: Col. 4, Line 65 - Col. 5, Line 1, respectively, “Line creation can be performed automatically by image analysis software, which determines edges of objects and creates lines overlapping the determined edges.”) and

- Using the identified boundary to associate geometry information with the object includes associating geometry information with the object (See Seago: Fig. 2, Item 50; Col. 5, Lns. 35-38, “Next, at blocks 50, shapes or polygons that define the selected object's sides, and plane indexes are determined based on user designated vertices or vanishing lines at significant features of the selected object.”),
- The geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system (See Seago: Fig. 2, Item 54; Col. 5, Lns. 50-55, “Once all the polygons and plane indexes of a selected object have been determined, a three-dimensional object oriented within the selected object's three-dimensional coordinate space is determined.”).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the three-dimensional object editing abilities of Seago, to modify the three-dimensional environment map, as taught by **Error! Reference source not found.**, because Seago is in the same field of endeavor of generating three-dimensional computer graphics using image capture devices; and Seago expressly suggests that this method of object extraction produces accurate three-

Art Unit: 2628

dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (See Seago: Col. 11, Lns. 49-55).

Independent claim 38 differs from independent claim 32 primarily in that claim 38 is directed toward the computerized method implemented on the system of claim 32. Claim 38 also differs from claim 32 in that it requires creating a three dimensional model of the visual scene from the image panorama using the reference coordinate system. Seago is cited for teaching, "Next, at block 42, an object contained within the digital image is selected for conversion into a three- dimensional object, and the selected object's orientation, or natural coordinate system, is approximately determined (See Seago: Fig. 2, Item 42; Col. 4, Lns. 46-49, wherein the reference coordinate system is the natural coordinate system.)." Therefore, the rationale of claim 32 is applied to claim 38.

Regarding claim 24, as it depends from claim 22, Szeliski teaches the three-dimensional geometric surface is one of a floor, a wall, or a ceiling (See Szeliski: Col. 27, Lns. 64-67, wherein the model can be a cube with six separate texture maps for each surface. Using an appropriate environment map would cause the top surface to be a ceiling, the bottom surface to be a floor, etc.).

Regarding claim 25, as it depends from claim 22, Szeliski teaches the directional vector is orthogonal to the planar surface (See Szeliski: Fig. 15; Col. 22, Lns. 4-6).

Regarding claim 26, as it depends from claim 22, Szeliski teaches the geometric model comprises depth information (See Szeliski: Figs. 27 and 30; Col. 28, Lns. 29-33).

Regarding claim 27, as it depends from claim 22, Szeliski teaches the texture information comprises color information (See Szeliski: Col. 28, Lns. 13-18).

Regarding claim 28, as it depends from claim 22, Szeliski teaches the texture information comprises luminance information (See Szeliski: Fig. 2B; Col. 5, Lns. 27-30, wherein luminance is inherent to environment maps and texture maps.).

Regarding claim 33, as it depends from claim 32, Szeliski teaches a system wherein the input images comprise two-dimensional images (See Szeliski: Figs. 3-4; Col. 9, Lns. 56-58, wherein a camera 310 having its optical center fixed at point C (FIG. 3) captures a sequence of 2D still images  $I_0, I_1, I_2, I_3...$ ).

Art Unit: 2628

Regarding claim 34, as it depends from claim 32, Szeliski teaches the input images comprise three-dimensional images including geometry information (See Szeliski: Figs. 3-4 and 6; Col. 9, Lns. 56-62, wherein the camera captures a sequence of 2D still images ( $I_0, I_1, I_2, I_3$ .) as it pans, the center rays of these images being focused on 3D points ( $P_0, P_1, P_2, P_3$ ...) at a focal length  $f$  from the optical center point  $C$ . The points  $P_i$  are defined relative to a fixed 3D world coordinate system ( $P_x, P_y, P_z$ ). Since the three-dimensional images correspond to the two-dimensional images which include depth information in the form of focal length. The geometry information is the inverted V shape shown in both figures 4 and 6.).

Regarding claim 35, as it depends from claim 32, Szeliski teaches aligning the image panoramas according to instructions received from a user (See Szeliski: Col. 27, Lns. 64-66).

Regarding claims 40 and 41, as they depend from claims 22 and 38, respectively, Szeliski teaches the object is a room and the at least one boundary of the object is the intersection of a wall of the room with the floor (See Szeliski: Col. 27, Lns. 64-67, wherein the model can be a cube with six separate texture maps for each surface. Using an appropriate environment map would cause the top surface to be a ceiling, the bottom surface to be a floor, etc.).

B. Claims 11, 13-21, 23, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Szeliski and Seago, and in further view of Blank (US Patent Number 5,469,536).

Regarding independent claim 11, Szeliski teaches a computerized method of interactively editing objects in a panoramic image, the method comprising:

- Receiving an image panorama representing a visual scene (See Szeliski: Col. 27, Lns. 34-37, “Once a complete panoramic mosaic has been constructed, it is necessary to convert the set of input images and associated transforms into one or more images which can be quickly rendered or viewed.”),
  - The image panorama having an object (See Szeliski: Fig. 6, Item 610; Col. 11, Lns. 16-21) and a point source (See Szeliski: Figs. 3-4 and 6; Col. 9, Lns. 56-62, wherein the camera captures a sequence of 2D still images ( $I_0, I_1, I_2, I_3$ .) as it pans, the center rays of these images being focused on 3D points ( $P_0, P_1, P_2, P_3$ ...) at a focal length  $f$  from the optical center point C.”),
  - The object occupying a field of view of more than 180 degrees in the panorama (See Szeliski: Col. 5, Lns. 7-9, “By taking as many images as needed, image mosaics can be constructed which cover

as large a field of view as desired, e.g., a complete environment map.”);

Szeliski does not expressly suggest:

- Creating a three dimensional model of the visual scene using features of the visual scene and the point source, wherein:
  - Creating a three dimensional model includes identifying at least one boundary of the object and
  - Using the identified boundary to associate geometry information with the object,
    - The geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system.

Seago is cited for teaching:

- Creating a three dimensional model of the visual scene (See Seago: Fig. 2; Col. 4, Lns. 23-25, “FIG. 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image.”) using features of the visual scene and the point source (See Seago: Fig. 2, Item 40; Col. 4, Lns. 34-37, “First, at block 40, a digitized two-dimensional perspective image of one or more objects is retrieved from memory 32 or a digital image input device 28 and displayed on the display device



Art Unit: 2628

24,” wherein the features of the visual scene are the one or more objects and the point source is indicated by the perspective of the image.), wherein:

- Creating a three dimensional model includes identifying at least one boundary of the object (See Seago: Col. 4, Line 65 - Col. 5, Line 1, respectively, “Line creation can be performed automatically by image analysis software, which determines edges of objects and creates lines overlapping the determined edges.”) and
- Using the identified boundary to associate geometry information with the object (See Seago: Fig. 2, Item 50; Col. 5, Lns. 35-38, “Next, at blocks 50, shapes or polygons that define the selected object's sides, and plane indexes are determined based on user designated vertices or vanishing lines at significant features of the selected object.”),
  - The geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system (See Seago: Fig. 2, Item 54; Col. 5, Lns. 50-55, “Once all the polygons and plane indexes of a selected object have been determined, a three-dimensional object oriented within the selected object's three-dimensional coordinate space is determined.”).

Art Unit: 2628

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the three-dimensional object editing abilities of Seago, to modify the three-dimensional environment map, as taught by **Error! Reference source not found.**, because Seago is in the same field of endeavor of generating three-dimensional computer graphics using image capture devices; and Seago expressly suggests that this method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (See Seago: Col. 11, Lns. 49-55).

The combination of Szeliski and Seago does not expressly suggest:

- Receiving an edit to the object in the panorama;
- Transforming the edit relative to a viewpoint defined by the point source; and
- Projecting the transformed edit onto the object.

Blank is cited for teaching trimming, which allows the user to trim off any undesired edges of an object to reveal the background below (See Blank: Col. 47, Lns. 11-20). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have allowed modification of the colors within an image, as taught by Blank,

to manipulate the colors within the images used to create the panoramic image mosaics, as taught by Szeliski, as modified by Seago, because it would enable the user to quickly and efficiently modify or enhance the appearance of an image to desired goal (See Blank: Col. 6, Lns. 23-28).

Independent claim 36 differs from independent claim 11 primarily in that claim 36 is directed toward the system for implementing the computerized method of claim 11. Claim 36 also differs in that it requires creating a three dimensional model includes identifying at least one boundary of the object and one or more interactive editing tools for providing an edit to the selected object. Seago teaches, "FIG. 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image (See Seago: Fig. 2; Col. 4, Lns. 23-25)," wherein "... at block 42, an object contained within the digital image is selected for conversion into a three-dimensional object, and the selected object's orientation, or natural coordinate system, is approximately determined (See Seago: Fig. 2, Item 42; Col. 4, Lns. 46-49)," which corresponds to creating a three dimensional model includes identifying at least one boundary of the object. Blank is cited for teaching function calls, which correspond to the interactive editing tools for editing the selected object (See Blank: Col. 21,

Art Unit: 2628

Lns. 18-23). Thus, the rationale of independent claim 11 is applied to independent claim 36.

Regarding claim 13, as it depends from claim 11, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank substantially teach the invention as claimed. Specifically, Blank teaches receiving an edit to color information associated with the object (See Blank: Col. 6, Lns. 29-47).

Regarding claim 14, as it depends from claim 11, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank substantially teach the invention as claimed. Specifically, Blank teaches receiving an edit to alpha information associated with the object (See Blank: Fig. 11; Col. 20, Lns. 61-66).

Regarding claim 15, as it depends from claim 11, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank substantially teach the invention as claimed. Specifically, Blank teaches receiving an edit to depth information associated with the object (See Blank: Col. 13, Lns. 8-16).

Regarding claim 16, as it depends from claim 11, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank substantially teach the invention as claimed. Specifically, Blank teaches

Art Unit: 2628

receiving an edit to geometry information associated with the object (See Blank: Col. 47, Lns. 11-20).

Regarding claim 17, as it depends from claim 11, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank substantially teach the invention as claimed. Specifically, Blank teaches providing a user with an interactive drawing tool that specifies edits for the object and receiving the edits made by the user using the interactive drawing tool (See Blank: Col. 21, Lns. 18-23).

Regarding claims 18 and 37, as they depend from claims 17 and 36, respectively, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank substantially teach the invention as claimed. Specifically, Blank teaches the interactive drawing tool is a depth chisel tool (See Blank: Col. 47, Lns. 11-20).

Regarding claim 19, as it depends from claim 17, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank substantially teach the invention as claimed. Specifically, Blank teaches the interactive drawing tool specifies a selected value for depth for the object (See Blank: Col. 22, Lns. 35-62).

Regarding claim 20, as it depends from claim 17, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank

Art Unit: 2628

substantially teach the invention as claimed. Specifically, Blank teaches the interactive drawing tool incrementally adds to the depth for the object (See Blank: Col. 34, Lns. 8-11).

Regarding claim 21, as it depends from claim 17, the rationale of claim 11 is incorporated herein. The combination of Szeliski, Seago, and Blank substantially teach the invention as claimed. Specifically, Blank teaches the interactive drawing tool incrementally subtracts from the depth for the object (See Blank: Col. 34, Lns. 22-26).

The rationale of claim 17 is applied to claim 23.

C. Claims 1-3, 5-6, 8-10 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szeliski in view of Luken (US Patent Number 5,923,334), and in further view of Seago.

Regarding independent claim 1, Szeliski teaches a computerized method for creating a three dimensional model from image panoramas, the method comprising:

- Receiving a plurality of image panoramas representing a visual scene (See Szeliski: Col. 27, Lns. 34-37, "Once a complete panoramic mosaic has been constructed, it is necessary to convert the set of input images and associated transforms into one or more images which can

be quickly rendered or viewed.”) and having an object (See Szeliski: Fig. 6, Item 610; Col. 11, Lns. 16-21),

- The object occupying a field of view of more than 180 degrees in the panoramas (See Szeliski: Col. 5, Lns. 7-9, “By taking as many images as needed, image mosaics can be constructed which cover as large a field of view as desired, e.g., a complete environment map.”);
- Determining a directional vector for the image panorama, the directional vector indicating an orientation of the visual scene with respect to a reference coordinate system (See Szeliski: Fig. 15; Col. 22, Lns. 4-31);
- Transforming the image panoramas such that the directional vectors are substantially aligned relative to the reference coordinate system (See Szeliski: Fig. 15; Col. 22, Lns. 2-4, “FIG. 15 shows the adjustment of the bundle of rays  $x_{jk}$  so that they converge to  $x_j$ .”);
- Aligning the transformed image panoramas to each other (See Szeliski: Fig. 17; Col. 23, Lns. 10-12, wherein minimizing the differences between ray directions aligns the images.).

Szeliski does not expressly suggest determining a directional vector for each image panorama. Luken is cited for teaching eight direction vectors D0-D7 associated with six rectangular images mapped to the inside of an

Art Unit: 2628

octahedron (See Luken: Figs. 7-10, 14 and 17; Col. 7, Lns. 28-36, wherein it is determined which of the six rectangular images is intersected by one of the eight direction vectors.). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used direction vectors for each image within an environment map that is mapped to the sides of an octahedron, as taught by Luken, with the three-dimensional model environment map of the visual scene, as taught by Szeliski, because Luken: (1) is directed to the same problem of using polyhedral environment maps to create and view three dimensional images from data representing multiple views of a scene; (2) is in the same field of endeavor of image processing systems; and (3) Luken expressly suggests that the direction vectors provide an efficient system for generating and viewing three-dimensional panoramic images based environment maps, and offer an improved level of interactive graphical feedback (See Luken: Col. 3, Lns. 5-8).

The combination of Szeliski and Luken does not expressly suggest:

- Creating a three dimensional model of the visual scene from the transformed and aligned image panoramas using the reference coordinate system, wherein
  - Creating a three dimensional model includes identifying at least one boundary of the object and



- Using the identified boundary to associating associate geometry information with the object,
  - The geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in the reference coordinate system.

Seago is cited for teaching:

- Creating a three dimensional model of the visual scene (See Seago: Fig. 2; Col. 4, Lns. 23-25, “FIG. 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image.”) from the transformed and aligned image panoramas using the reference coordinate system (See Seago: Fig. 2, Item 42; Col. 4, Lns. 46-49, “Next, at block 42, an object contained within the digital image is selected for conversion into a three-dimensional object, and the selected object's orientation, or natural coordinate system, is approximately determined,” wherein the reference coordinate system is the natural coordinate system.), wherein
  - Creating a three dimensional model includes identifying at least one boundary of the object (See Seago: Col. 4, Line 65 - Col. 5, Line 1, respectively, “Line creation can be performed automatically by

image analysis software, which determines edges of objects and creates lines overlapping the determined edges.”) and

- Using the identified boundary to associating associate geometry information with the object (See Seago: Fig. 2, Item 50; Col. 5, Lns. 35-38, “Next, at blocks 50, shapes or polygons that define the selected object's sides, and plane indexes are determined based on user designated vertices or vanishing lines at significant features of the selected object.”),
  - The geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in the reference coordinate system (See Seago: Fig. 2, Item 54; Col. 5, Lns. 50-55, “Once all the polygons and plane indexes of a selected object have been determined, a three-dimensional object oriented within the selected object's three-dimensional coordinate space is determined.”).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the three-dimensional object editing abilities of Seago, to modify the three-dimensional environment map, as taught by **Error! Reference source not found.**, as modified by Luken, because Seago is in the same field of endeavor of generating three-dimensional computer graphics using image capture devices; and

Art Unit: 2628

Seago expressly suggests that this method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (See Seago: Col. 11, Lns. 49-55).

Regarding claim 2, as it depends from claim 1, Szeliski teaches the directional vector is determined based, at least in part, on instructions identifying elements of the image panoramas received from a user (See Szeliski: Col. 8, Lns. 30-32 and Col. 27, Lns. 64-66).

Regarding claim 3, as it depends from claim 2, Szeliski teaches the instructions from the user identify two or more substantially parallel features in the image panoramas (See Szeliski: Col. 20, Line 64 – Col. 21, Line 6 and Lines 25-34).

Regarding claim 5, as it depends from claim 2, Szeliski teaches the instructions from the user identify a horizon line of at least one image panorama (See Szeliski: Fig 4: Col. 9, Lns. 54-62).

Regarding claim 6, as it depends from claim 2, Szeliski teaches the instructions comprise the identification of two or more areas of the image panoramas, each area containing one or more elements and further comprising automatically identifying the two elements contained in the

two or more areas (See Szeliski: Fig. 6; Col. 20, Line 49 – Col. 21, Line 24, wherein a feature-based point correspondence is established between a pair of images by dividing each image into patches and identifying prospective “feature” points within the patches.).

Regarding claim 8, as it depends from claim 1, the rationale of claim 1 is incorporated herein. The combination of Szeliski, Luken, and Seago substantially teach the invention as claimed. Specifically, Luken teaches the image panoramas are aligned relative to the reference coordinate system such that the directional vector of each panorama is at least substantially parallel to one axis of the reference coordinate system (See Luken: Fig. 7, Item 707; Col. 6, Line 40—Col. 7, Line 36).

Regarding claim 9, as it depends from claim 1, the rationale of claim 1 is incorporated herein. The combination of Szeliski, Luken, and Seago substantially teach the invention as claimed. Specifically, Luken teaches the image panoramas are aligned relative to the reference coordinate system such that the directional vector of each panorama is at least substantially orthogonal to one axis of the reference coordinate system (See Luken: Fig. 6A and 7, Item 707; Col. 6, Line 40—Col. 7, Line 36, wherein since the six rectangular images are axis aligned, then a directional vector that is parallel to one axis must be perpendicular to

Art Unit: 2628

the other two spatial axes. In other words, in order for a directional vector to intersect one of the rectangular images, that vector must be substantially parallel to one axis, which requires it to be substantially perpendicular to the others.).

Regarding claim 10, as it depends from claim 1, Szeliski teaches the image panoramas are aligned according to instructions received from a user (See Szeliski: Col. 27, Lns. 64-66, wherein the user aligns the image panoramas into texture space.).

Regarding claim 39, as it depends from claim 1, Szeliski teaches the object is a room and the at least one boundary of the object is the intersection of a wall of the room with the floor (See Szeliski: Col. 27, Lns. 64-67, wherein the model can be a cube with six separate texture maps for each surface. Using an appropriate environment map would cause the top surface to be a ceiling, the bottom surface to be a floor, etc.)

D. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Szeliski, Luken, and Seago, and in further view of Blank.

Regarding claim 7, as it depends from claim 6, the combination of Szeliski, Luken and Seago does not expressly suggest using edge detection to automatically identify the two elements. Nevertheless, Blank

teaches detecting the edges of an object and separates portions of the image that are outside the edge of the object (i.e., the background component) from portions of the image that are inside the edge (See Blank: Col. 4, Lns. 17-21). The two elements are therefore identified as those elements within the edge, and those outside the edge. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the edge detection methods, as taught by Blank, as an alternative to patch-based division, as taught by Szeliski, as modified by Luken, because it is an effective way to divide the image into smaller portions to conquer aligning all aspects of an image.

## **V. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal Murdoch whose telephone number is (571) 270-1043. The examiner can normally be reached on Mon. - Fri. 10:00 am to 6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

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/Crystal Murdoch/  
Examiner, Art Unit 2628

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